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9 *Attorneys for SMS Financial Recovery Services, LLC*

10 **UNITED STATES BANKRUPTCY COURT**

11 **DISTRICT OF NEVADA**

12  
13 In re:

Case No.: 20-51140-btb

Chapter 7

14 JOGA S. MANN,

15  
16 Debtor.

SMS FINANCIAL RECOVERY  
SERVICES, LLC'S SECOND MOTION  
FOR ORDER EXTENDING TIME TO  
OBJECT TO THE ENTRY OF  
DISCHARGE

17  
18 HRG DATE: January 18, 2022

19 \_\_\_\_\_ / HRG TIME: 2:00 p.m.

20  
21 Creditor SMS FINANCIAL RECOVERY SERVICES, LLC ("SMS"), by and through  
22 its counsel of record LEACH KERN GRUCHOW ANDERSON SONG ("LKG"), hereby  
23 respectfully submits its Second Motion for Order Extending Time to Object to the Entry of  
24 Discharge ("Second Motion"), and seeks an extension of time in which to file an objection to  
25 entry of a discharge in the above-captioned case.

26  
27 ///

28 ///

I.

**MEMORANDUM OF POINTS AND AUTHORITIES**

***A. Relevant Background Facts:***

1. Debtor, JOGA S. MANN (“Debtor”) initiated this case by filing a voluntary petition (“Petition”) under Chapter 7 on December 18, 2020 (*see* Petition at DE 1).

2. Pursuant to 11 U.S.C. § 341 and the Federal Rules of Bankruptcy Procedure (“FRBP”) 2003(a), the initial 341 Meeting of Creditors (“MOC”) took place on January 21, 2021, during which Debtor appeared with counsel Nathan Zeltzer, Esq. who was attending for Debtor’s counsel Sean Patterson, Esq. The MOC has been continued multiple times thereafter. The next scheduled, continued MOC is set to take place on January 13, 2022, at 2:00 p.m.

3. SMS requests an extension in this case to allow for an adequate investigation into the numerous and various business entities associated with Debtor. Debtor testified at the February 25, 2021 MOC that he does not keep books and records of his business entities. As such, a thorough investigation of Debtor’s bankruptcy estate will be more difficult and time consuming.

4. SMS is requesting this extension of time to object to Debtor’s discharge in order to have sufficient time to investigate the various business entities associated with Debtor and his bankruptcy estate, including the next scheduled MOC on January 13, 2022, and the Trustee’s continued review of numerous documents and financial records received from the court appointed receiver Christopher Fitzwater in a post-judgment action in McClennan County Texas (Case No. 2017-608-40).

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1 ***B. Extension for Deadline to Object to the Discharge of Debtor.***

2 SMS is informed and believes that the last day for filing objections to Debtor's discharge,  
3 under 11 U.S.C § 727 and FRBP 4004 is December 31, 2021. (See Order Extending Time for  
4 SMS Financial Recovery Services, LLC to Object to Discharge of Debtor at DE 27). Rule  
5 4004(b)(1) provides that an extension of time to object to discharge in a Chapter 7 case may be  
6 granted "...[o]n motion of any party in interest, after notice and hearing...for cause...", and that  
7 such "...motion shall be filed before the time has expired."  
8

9 Here, SMS makes its timely Second Motion. SMS alleges that good cause exists for an  
10 extension to object to Debtor's discharge so that there is sufficient time to continue the  
11 investigation into the various business entities associated with Debtor since he has testified at the  
12 MOC he keeps no records. Given these circumstances, and in accord with the applicable Code  
13 and bankruptcy rules, SMS seeks a second order from the Court extending the deadline for SMS  
14 to object to the discharge of Debtor up to and including April 30, 2022.  
15

16 ***WHEREFORE***, SMS respectfully requests the Court grant SMS's Second Motion for an  
17 extension of the deadline to object to the discharge of Debtor up to and including April 30, 2022.  
18 See proposed Order attached hereto as Exhibit "A."  
19

20 DATED this 17<sup>th</sup> day of December, 2021.

21 ***LEACH KERN GRUCHOW ANDERSON SONG***

22 */s/ Karen M. Ayarbe, Esq*  
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EXHIBIT “A”

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**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

In re:

JOGA S. MANN,

Debtor.

Case No.: 20-51140-btb

Chapter 7

SECOND ORDER EXTENDING TIME  
FOR SMS FINANCIAL RECOVERY  
SERVICES, LLC TO OBJECT TO THE  
ENTRY OF DISCHARGE

HRG DATE: January 18, 2022

HRG TIME: 2:00 p.m.

Pursuant to SMS ("SMS") FINANCIAL RECOVERY SERVICES, LLC'S SECOND  
MOTION FOR ORDER EXTENDING TIME TO OBJECT TO THE ENTRY OF DISCHARGE  
(the "Second Motion") filed on December 17, 2021 the Court finds and concludes as follows:

1 The Court finds that SMS' Second Motion was timely and properly noticed, and that there  
2 were no objections to the Second Motion filed or presented at the hearing. SMS, along with the  
3 Chapter 7 Trustee (*see* Trustee's Second Motion for Order Extending Time to Object to Entry of  
4 Debtor's Discharge, at DE 37 filed December 8, 2021), are requesting this extension of time to  
5 object to the discharge of Debtor's bankruptcy so that Debtor's various business entities can be  
6 thoroughly and adequately investigated.  
7

8 The Court has considered SMS's Second Motion as well as its reasons for the requested  
9 extension. In consideration thereof, the Court has found such reasons to be appropriate and that  
10 good cause exists for the requested extension.  
11

12 ***IT IS HEREBY ORDERED*** that SMS's Second Motion is ***GRANTED***, and SMS shall  
13 have an extension of time to object to the discharge of Debtor's bankruptcy up to and including  
14 ***April 30, 2022.***  
15

16 *Submitted By:*

17 *LEACH KERN GRUCHOW*  
18 *ANDERSON SONG*

19 */s/ Karen M. Ayarbe, Esq.*

20 **KAREN M. AYARBE, ESQ.**

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26 *Attorneys for SMS Financial Recovery Services, LLC*  
27  
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**RULE 9021 CERTIFICATION**

In accordance with LR 9021, counsel submitting this document certifies as follows:

- ☐ The Court has waived the requirement set forth in LR 9021(b)(1).
- ☐ No party appeared at the hearing or filed an objection to the motion.
- ☐ I have delivered a copy of this proposed order to all attorneys who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:
- I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

DATED this 18<sup>th</sup> day of January 2022.

***LEACH KERN GRUCHOW  
ANDERSON SONG***

/s/ Karen M. Ayarbe, Esq.  
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